

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

UNITED STATES OF AMERICA

-vs-

✓ CAUSE NO. A-09-CR-590-SS

JUAN ORDONES-SOTO

UNITED STATES OF AMERICA

-vs-

CAUSE NO. A-09-CR-592-SS

IGNACIO ONTIVEROS-VASQUEZ

UNITED STATES OF AMERICA

-vs-

CAUSE NO. A-09-CR-597-SS

ANGEL HERNANDEZ-GARCIA

ORDER

BE IT REMEMBERED on February 4, 2010, the Court sentenced each of the defendants in the above-captioned case to "time served." The defendant Ordones-Soto was placed in federal custody on November 2, 2009. The defendant Hernandez-Garcia was placed in federal custody on November 15, 2009. The defendant Ontiveros-Vasquez was placed in federal custody on November 3, 2009. These three defendants—like many of the defendants prosecuted to 8 U.S.C. § 1326 in the last six months—have no significant criminal history, and the prosecuting Assistant United States Attorney cannot state a reason that these three defendants were prosecuted rather than simply removed from the United States. The expense on these three defendants for housing in county jails is in excess of \$13,350 to the date of the sentencing. In addition to those payments to county jail facilities, there are the

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expenses in time and costs of the United States Attorney's Office; of the U.S. Marshal's Service; of the United States Probation Office; of the court personnel; of appointed counsel and the Federal Public Defenders; of interpreters; medical and dental expenses for those in custody; transportation costs. Every judge in the Western District of Texas is sentencing a substantial number of illegal aliens every month. It appears the United States Attorney is not screening these cases to eliminate those persons who need no federal prosecution and should simply be returned to their own country. The United States Attorney has been specifically requested for at least a two-year period to be more careful to screen the illegal entry or re-entry cases for prosecution and only prosecute those with meaningful criminal records.

The expenses of prosecuting illegal entry and re-entry cases (rather than deportation) on aliens without any significant criminal record is simply mind boggling. The U.S. Attorney's policy of prosecuting all aliens presents a cost to the American taxpayer at this time that is neither meritorious nor reasonable.

IT IS THEREFORE ORDERED the United States Attorney file in the above-captioned cases the substantive reason(s) each of these defendants was prosecuted in the United States District Court for the Western District of Texas, Austin Division.

IT IS FURTHER ORDERED the United States Attorney and the Assistant United States Attorney for prosecuting cases pursuant to 8 U.S.C. § 1326 be prepared in all future sentencings in the undersigned's docket to state the substantive reason(s) for the prosecution of each individual case.

SIGNED this the 5th day of February 2010.


UNITED STATES DISTRICT JUDGE